IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3903 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHARDA VIDYALAYA THROUGH PRINCIPAL - Petitioner(s)
Versus
DISTRICT EDUCATION OFFICER & 1 - Respondent(s)

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Appearance :
MR ASHISH M DAGLI for Petitioner(s) : 1,
MR SIRAJ GORI AGP for Respondent(s) :1- 2,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 29/06/2006

ORAL JUDGMENT

1. Rule. Learned AGP Shri Gori wavies service of rule on behalf of respondents.

2. The petitioner has challenged an order dated 24/6/2005 by which an amount of Rs. 3 lacs is sought to be recovered from the grant released in favour of the petitioner by the Government for the facility of training in computers for the students. From the perusal of the order itself it is apparent that the order is based on a report dated 28/8/2004 prepared by Vikram Sarabhai Community Science Centre. Apparently the report was collected by the Government and relied upon to conclude that the computers purchased by the petitioner are not as per the Government standards. Learned advocate Shri Dagli for the petitioner submitted that before passing the impugned order dated 24/6/2005 no notice or opportunity of representation was given to the petitioner. He further correctly points out that the copy of the report dated 28/8/2004 which is heavily relied upon for imposing cut in the grant was also not supplied.

3. Under the circumstances, the action of the respondents suffer from violation of principle of natural justice. Impugned order dated 24/6/2005 is, therefore, quashed.

4. Considering the facts of the case pursuant to this order though it may not be necessary for the Government to release the grant already recovered under the order dated 24/6/2005. The DEO shall supply the copy of the reported dated 28/8/2004 and permit the petitioner to make representation thereon

and decide the issue afresh preferably within a period of three months from the date of receipt of a copy of this order. With these directions, the petition is allowed to the above limited extent. Rule is made absolute. No costs.

5. Direct service permitted.

(Akil Kureshi, J.)

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